



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/864,242	05/25/2001	Douglas Weigel	10003469-1	2761

7590 02/17/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

GREENE, DANIEL L

ART UNIT	PAPER NUMBER
----------	--------------

3621

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/864,242

**Applicant(s)**

WEIGEL, DOUGLAS

**Examiner**

Daniel L. Greene

**Art Unit**

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 7, 8 and 12-20 is/are pending in the application.
- 4a) Of the above claim(s) 13-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 7, 8, 12 and 18-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☒ Interview Summary (PTO-413)  
Paper No(s)/Mail Date 2/8/2005.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments, see Remarks, filed 12/8/2004, with respect to claims 1-20 have been fully considered and are persuasive. The rejection of claims 1-20 has been withdrawn.

### *Election/Restrictions*

Claims 13-17 are withdrawn from further consideration as being drawn to a nonelected invention. Election was made **without** traverse as per the Interview Summary dated 2/8/2005.

2.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3, 7, 8, 12 and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Erlin U.S. Patent 6,275,991 B1 [Erlin] as applied to claims 1-8, 12, and 18-20, and further in view of Stewart et al. U.S. Patent 6,571,221 B1 [Stewart].

As per claim 1:

Erlin discloses the claimed invention except for the storing a digital signature of a user in a memory. However, Erlin does teach about the use of Data Encryption Standard (DES) , Personal Identification Number (PIN) Encryption Key (PEK) and two main encryption functions, PIN translations and PIN verifications. Col. 8, lines 40-60. Stewart teaches that it is known in the art to storing a digital signature of a user in a memory. Col. 11, lines 10-31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the television remote control unit DES encryption clip, Fig. 3, 65, of Erlin with the storing a digital signature of a user in a memory of Stewart because a digital signature, and a PEK both serve the same function as authenticating a user. .

Erlin discloses a remote control controlling at least one function of a television set wherein said at least one function includes at least one of volume control, channel selection and color selection; Col. 3, lines 18-25.

performing said electronic transaction; Col. 5, lines 19-65.

transmitting said digital signature of said user from said remote control to complete said electronic transaction, wherein the digital signature remains stored in the memory after the transaction is completed or canceled. Col. 6-7, lines 1-67.

As per claim 2:

Erlin further discloses:

presenting said electronic transaction on an Internet terminal, wherein said Internet terminal includes said television set; Col. 9, lines 1-10.

receiving said digital signature by said Internet terminal; Col. 7, lines 45-50.  
and presenting a verification of conclusion of said electronic transaction. Col. 5, lines 55-67.

As per claim 3:

Erlin and Stewart further discloses:

wherein said digital signature of said user is transmitted utilizing wireless protocols. Erlin Col. 1, lines 53-63, Stewart Col. 6, lines 10-32.

As per claim 7:

Erlin discloses:

a memory; Col. 3, lines 19-26.

a keypad configured to provide a user interface; Col. 3, lines 9-35.

Erlin discloses the claimed invention except for the storing a digital signature of a user in a memory. However, Erlin does teach about the use of Data Encryption Standard (DES) , Personal Identification Number (PIN) Encryption Key (PEK) and two main encryption functions, PIN translations and PIN verifications. Col. 8, lines 40-60. Stewart teaches that it is known in the art to storing a digital signature of a user in a memory. Col. 11, lines 10-31. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the television remote control unit DES encryption clip, Fig. 3, 65, of Erlin with the storing a digital signature of a user in a

Art Unit: 3621

memory of Stewart because a digital signature, and a PEK both serve the same function as authenticating a user.

a controller configured to transmit a digital signature stored in said memory through said wireless transceiver to complete an electronic transaction in response to a first input from said keypad, Col. 6-7, lines 1-67.

said controller is further configured to transmit a signal to a television set for controlling at least one of volume control, channel selection and color selection of said television set. Col. 4, lines 42-53.

Erlin discloses the claimed invention except for a wireless transceiver. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to replace the infrared transmitter section of Erlin's portable device with a wireless transceiver since it is known in the art that the use of infrared is another type of wireless communications and interchangeable with a wireless transceiver.

As per claims 8 and 20:

Erlin and Stewart discloses the claimed invention except for wherein said controller is further configured to receive said digital signature from a second device adapted to generate said digital signature in response to a second input from said keypad.

It would have been obvious to one having ordinary skill in the art at the time of the invention was made to wherein said controller is further configured to receive said digital signature from a second device adapted to generate said digital signature in

Art Unit: 3621

response to a second input from said keypad since it has been held that mere duplication of the essential working parts of a device involves only routine skill in the art.

*St. Regis Paper Co. v. Bemis Co., 193 USPQ 8.*

As per claims 12 and 19:

Erlin further discloses:

an encryptor module for encrypting the digital signature. Col. 4, lines 40-50.

### ***Claim Rejections - 35 USC § 103***

5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart as applied to claims 1-3, 7-8, 12, and 19-20 above, and further in view of Erlin.

As per claim 18.

Stewart discloses:

memory means for storing a digital signature of a user in one of a remote control controlling at least one function of a personal digital assistant; Col. 11, lines 10-33.

means for initiating an electronic transaction using the memory means and an Internet terminal connected to at least one of the personal digital assistant; Col. 11, lines 12-30.

and means for transmitting said digital signature of said user from said memory means to the Internet terminal for completing said electronic transaction, wherein the

Art Unit: 3621

digital signature remains stored in the memory means after the transaction is completed or canceled. Col. 12, lines 43-67.

Stewart discloses the claimed invention except for the remote control controlling at least one function of a television set and means for initiating an electronic transaction using the memory means and an Internet terminal connected to at least one of the remoter control. However, Stewart does disclose portable computing devices that use various wireless communications including infrared communication technology. Col. 6, lines 10-20. Erlin teaches that it is known in the art to provide a remote control controlling at least one function of a television set and means for initiating an electronic transaction using the memory means and an Internet terminal connected to at least one of the remoter control. Col. 5, lines 13-67. It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the portable computing device of Stewart with the ability to control at least one function of a television set of Erlin, in order to expand the use of the portable computing device and provide the user with the ability to combine transaction functions into one device.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part



Art Unit: 3621

of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Ogasawara U.S. Patent 6,543,052 B1 INTERNET SHOPPING SYSTEM UTILIZING SET TOP BOX AND VOICE RECOGNITION.
8. Keskar U.S. Patent 6,832, 242 B2 SYSTEM AND METHOD FOR AUTOMATICALLY SHARING INFORMATION BETWEEN HANDHELD DEVICES.
9. Hind et al. U.S. Patent 6,826,690 B1 USING DEVICE CERTIFICATES FOR AUTOMATED AUTHENTICATION OF COMMUNICATING DEVICES.
10. Geiger et al. U.S. Patent 6,775,536 B1 METHOD FOR VALIDATING AN APPLICATION FOR USE IN A MOBILE COMMUNICATION DEVICE.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel L. Greene  
Examiner  
Art Unit 3621

2/8/2005.



JAMES P. TRAMMELL  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600